

SERVED : June 8, 1993

NTSB Order No. EA-3896

**UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.**

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 28th day of May, 1993

JOSEPH M. DEL BALZO,
Acting Administrator,
Federal Aviation Administration,

Complainant,

Docket SE-12603

v.

MICHAEL S. ARENDS,

Respondent.

ORDER DISMISSING APPEAL

On January 20, 1993, respondent filed a notice of appeal from the oral initial decision Administrative Law Judge Jerrell R. Davis rendered in the proceeding held on January 14 and 15, 1993.¹ However, the respondent has failed to file an appeal brief and, therefore, his appeal is subject to dismissal under

¹The law judge affirmed an order of the Administrator suspending the respondent's airline transport pilot certificate (No. .1925705) for 90 days for his alleged violations of sections 91.31(a), 91.29(b) and 91.9 of the Federal Aviation Regulations.

section 821.48(a) of the Board's Rules of Practice.² 49 C.F.R. 821.

ACCORDINGLY, IT IS ORDERED THAT:

The respondent's appeal is dismissed.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HART, and HAMMERSCHMIDT, Members of the Board, concurred in the above order.

²Section 821.48(a) provides as follows:

"§ 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief."